

# **EXHIBIT H**

**Dalton, Amy**

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**From:** Cooper, Monte  
**Sent:** Wednesday, September 14, 2011 1:17 AM  
**To:** 'ltfisher@bursor.com'  
**Cc:** Metanat, Morvarid; 'scott@bursor.com'; 'larry@zeidmanconsulting.com'; Chatterjee, Neel; Sutton, Theresa A.; Dalton, Amy; Beardsley, Megan M.; Mudurian, Karen N.  
**Subject:** Re: Facebook v. Power

Tim:

Three interrelated issues: First, per your offer in the emails below, Facebook will in lieu of paying \$150 in copying costs agree to receive the production of requested copies of Power source code by CD, and to use that CD solely for the purpose of printing out copies of the code at our expense. We will then promptly send the CD back to Power. Therefore, please immediately send the CD to Amy Dalton here in our Silicon Valley Office. She will immediately acknowledge its receipt and return to you following our printing the requested materials. In agreeing to this procedure, however, Facebook does not waive its right to raise with the Court the issue of the parties' burdens for bearing copy cost of source code. Facebook also does waive its right to seek Court relief to recover the copying costs of this particular production.

Second, Larry Melling (who is copied on this email) has over the past few weeks provided you with lists of missing portions of the routines and databases used in conjunction with Defendants' PowerBrowser and PowerScript applications. The missing databases Mr. Melling has identified and reported to you include, for instance: (1) the missing POWER<sup>REDACTED</sup> database; and (2) the missing database with the local developer's name "Power," which adds all the account network information for Facebook into an account network cache to access the account information using the database tables "<sup>REDACTED</sup>" and "<sup>REDACTED</sup>". Despite the fact that both Mr. Melling and Orrick attorneys have made multiple requests for this information since its omission from Defendants' production was identified, none of us have to date received any correspondence or oral communications from you advising when, or even if, the missing routines and/or databases will be produced. Therefore, in an effort to avoid further motion practice, please advise us immediately when the missing routines and/or databases previously identified and requested by Mr. Melling will be produced for inspection. If Defendants elect not to produce these materials immediately (or provide a date certain when they will be produced), consider this email our request pursuant to Civ LR 37-3 to immediately meet and confer concerning Facebook's intention to move to compel production of the missing routines and/or databases.

Finally, please also advise if Eric Santos or Felipe Herrera will be made available for depositions by Defendants, and if so when and where. As you know, during Mr. Vachani's deposition, he indicated both individuals were contacted and used by Power to search for and produce responsive documents. Mr. Vachani also indicated Mr. Santos, at least, remains a shareholder in Power. We believe, therefore, that it is within Defendants' ability to produce both of these witnesses for depositions, and would like to begin the process of scheduling them immediately (especially since a Portuguese translator will be necessary for at least Mr. Santos).

Thank you.

Monte

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**From:** L. Timothy Fisher [mailto:ltfisher@bursor.com]  
**Sent:** Friday, September 09, 2011 02:48 PM  
**To:** Cooper, Monte  
**Cc:** Metanat, Morvarid; Scott A. Bursor <scott@bursor.com>; Larry Melling <larry@zeidmanconsulting.com>; Chatterjee,